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July 8, 2014

Ben Holly
Senior Campaign Finance Analyst
Reports Analysis Division
Federal Election Commission
Washington D.C. 20463

Re: Planned Parenthood Action Fund, ID number C90005471, April Quarterly Report (Form 5, 01/01/2014-03/31/2014) and 48-hour notice, filed 03/18/2014

Dear Mr. Holly:

We have received your letter of June 3, 2014, requesting additional information in regard to the April Quarterly Report (Form 5, 01/01/2014-03/31/2014) and the 48-hour Report (filed 03/18/14) of Planned Parenthood Action Fund (the Action Fund).

1. Your letter asks the Action Fund to amend the April Quarterly Report to itemize donors who contributed in excess of \$200 to the organization. FEC regulations require reports of independent expenditures to disclose only those contributors to the organization who made contributions in excess of \$200 for the purpose of furthering the reported independent expenditure. 11 CFR 109.10 (e)(1)(vi). The Action Fund had no contributors who made such contributions. Therefore no amendment of the April Quarterly Report is required.

2. Your letter asks for clarification regarding the timeliness of the 48-hour Report. The 48-hour Report indicates that as of March 5, 2014, the Action Fund had spent \$10,569.98 in the North Carolina Senate primaries but did not file the 48-hour report until March 18, 2014, in apparent violation of the requirement that a report be filed within 48 hours of the making of independent expenditures aggregating in excess of \$10,000 with respect to a given election. 11 CFR 109.10 (c).

The reported independent expenditures were for the costs of disseminating statements on the Action Fund's own website and in paid internet ads for and against candidates in the Democratic and Republican United States Senate primaries in North Carolina, which both took place on May 6, 2014. The communications in the Democratic primary were in favor of Kay Hagan; those in the Republican primary were against five individuals seeking the Republican nomination: Mark Harris, Ted Alexander, Greg Bannon, Heather Grant and Thom Tillis.

At the start of the paid internet ad campaign (February 27, 2014), Action Fund staff made an arithmetic error in calculating the anticipated estimated costs of the campaign and did not expect that the \$10,000 threshold for filing a 48-hour report would be reached. However, when staff received the final invoice from the vendor, Blueprint Interactive, on March 17, 2014, it appeared that an error had been made and staff filed the 48-hour Report the next day.

However, upon further review, we do not believe that the 48-hour Report was required at all. Statements in favor of Kay Hagan were made in connection with the Democratic primary, while those opposed to the five Republicans were made in connection with the

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Republican primary. The regulations require that a 48-hour report be filed when an organization makes more than \$10,000 in independent expenditures with respect to a given election. The Republican and Democratic primaries, albeit occurring on the same day, are separate elections under the Commission regulations. 11 CFR 100.1(c)(1). (see footnote). Since as of March 5, the Action Fund's independent expenditures in the Democratic primary (in favor of Kay Hagan) totaled only \$6,075.76 and those in the Republican primary (opposed to Mark Harris, Ted Alexander, Greg Bannon, Heather Grant and Thom Tillis) totaled only \$4,494.22, that \$10,000 threshold was not reached in either election and a 48-hour report need not have been filed.

Even if additional expenditures between March 6 and the May 6 primary date were added to the March 5 totals, no further 48-hour reports would have been required. The April Quarterly Report shows additional expenditures in the Democratic primary of \$1,166.90 and in the Republican primary of \$1,543. The Action Fund's second quarter report will show one additional expenditure in the Democratic primary of \$239.57 for a fundraising brochure.

Therefore, the Action Fund was not required to file a 48-hour report in either the Democratic or Republican Senate primaries in North Carolina at any time. To correct this error, the Action Fund will amend its Quarterly Report to indicate a corrected amount in Calendar Year To Date Per Election For Office Sought and indicate in a notation that the 48-hour report was filed in error.

Very truly yours,

Dara Klassel
212-261-4707
Attorney for Planned Parenthood Action Fund

(Footnote) This situation is different from the one described in the Federal Election Commission Campaign Guide: Corporations and Labor Organizations (January 2007) at 66. There, the Commission provides an example of a separate segregated fund that spends \$6,000 in independent expenditures supporting a Senate candidate in the primary and \$4,000 opposing the candidate's opponent in the same election. As the Guide says, a 48-hour report is required in that case. In contrast, in this case, the Action Fund has made independent expenditures in favor of one candidate and opposed to others in separate elections.